

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

## KEVIN NGUYEN AND KIM ANH NGUYEN,

## **Plaintiffs,**

V.

## **GEOVERA ADVANTAGE INSURANCE COMPANY,**

## Defendant.

**CIVIL ACTION NO.** \_\_\_\_\_

**DEFENDANT GEOVERA SPECIALTY INSURANCE COMPANY'S**  
**NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant GeoVera Specialty Insurance Company<sup>1</sup> (“GeoVera” or “Defendant”) files this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows:

## **I. FACTUAL AND PROCEDURAL BACKGROUND**

1. On December 30, 2019, Plaintiffs Kevin Nguyen and Kim Anh Nguyen (“Plaintiffs”) filed their Amended Original Petition and Requests for Disclosure, styled *Kevin Nguyen and Kim Anh Nguyen v. GeoVera Advantage Insurance Company*, Cause No. 2019-58208, in the 270th Judicial District Court, Harris County, Texas. The lawsuit arises out of a

<sup>1</sup> Misidentified as GeoVera Advantage Insurance Company.

claim Plaintiffs made for damages to their property under an insurance policy issued by GeoVera.

2. Plaintiffs served GeoVera with a copy of the Plaintiffs' Amended Original Petition and Request for Disclosure on January 9, 2020.

3. GeoVera's Answer was filed on February 3, 2020.

4. GeoVera files this notice of removal within 30 days of receiving Plaintiffs' Citation and Amended Original Petition. *See* 28 U.S.C. § 1446(b). This Notice of Removal is being filed within one year of the commencement of this action. *Id.* All process, pleadings, and orders in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon Plaintiffs.

5. As required by 28 U.S.C. § 1446(a), and Rule 81 of the Local Rules for the United States District Court of the Southern District of Texas, being filed simultaneously with the filing of this Notice of Removal:

**Exhibit A: Index of Matters Being Filed**

**Exhibit B: Docket Sheet**

**Exhibit C: Plaintiffs' Original Petition and Request for Disclosure**

**Exhibit D: Request for Issuance of Service file-stamped 11/7/19**

**Exhibit E: Civil Process Pickup Form dated 11/11/19**

**Exhibit F: Affidavit of Service on GeoVera Advantage Insurance Company on 11/18/2019**

**Exhibit G: Notice of Intent to Dismiss-No Answer Filed signed 11/27/2019**

- Exhibit H:** Notice of Intent to Dismiss-No Answer Filed signed 12/12/2019
- Exhibit I:** Plaintiffs' Amended Original Petition and Requests for Disclosure
- Exhibit J:** Request for Issuance of Service file-stamped 12/30/19
- Exhibit K:** Civil Process Pickup Form dated 12/31/19
- Exhibit L:** Notice of Intent to Dismiss-No Answer Filed signed 1/13/2020
- Exhibit M:** Plaintiffs' Verified Motion to Retain and proposed Order
- Exhibit N:** Signed Order on Verified Motion to Retain
- Exhibit O:** Affidavit of Service on GeoVera Advantage Insurance Company on 1/9/2020
- Exhibit P:** Defendant GeoVera Specialty Insurance Company's (Misidentified as GeoVera Advantage Insurance Company) Original Answer to Plaintiffs' Amended Original Petition
- Exhibit Q:** List of Parties and Counsel

## **II. BASIS FOR REMOVAL**

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

**A. Plaintiffs and Defendant GeoVera are diverse.**

7. Plaintiffs Kevin Nguyen and Kim Anh Nguyen are individuals residing in Harris County, Texas.

8. Defendant, GeoVera Specialty Insurance Company is incorporated under the laws of the State of California, with its principal place of business in Fairfield, California. GeoVera is therefore not a citizen of the State of Texas for diversity purposes.

9. Thus, this lawsuit is between citizens of different states, and there is complete diversity of citizenship between Plaintiffs and GeoVera.

**B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction.**

10. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiffs' Amended Original Petition expressly alleges that "Plaintiffs are seeking monetary relief of more than \$100,000 . . ." (Pls' Amended Orig. Pet. ¶4). Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$75,000.00.

**III. THIS REMOVAL IS PROCEDURALLY CORRECT**

11. GeoVera received service of this lawsuit on January 9, 2020. Thus, GeoVera is filing this Notice within the 30-day time period required by 28 U.S.C. § 1446(b).

12. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division embrace a substantial part of the events giving rise to Plaintiffs' claims allegedly occurring in this District and Division, including the location of the residential property at issue.

13. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

14. Promptly after GeoVera files this Notice of Removal, written notice of the filing will be given to Plaintiffs pursuant to 28 U.S.C. §1446(d).

15. Promptly after GeoVera files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Harris County District Court pursuant to 28 U.S.C. §1446(d).

**CONCLUSION**

16. Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Defendant GeoVera hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson  
State Bar No. 24029862  
So. Dist. No.: 17055

**THOMPSON, COE, COUSINS & IRONS, L.L.P.**  
700 N. Pearl Street, 25th Floor  
Dallas, Texas 75201  
Telephone: (214) 871-8200  
Facsimile: (214) 871-8209  
Email: [rthompson@thompsoncoe.com](mailto:rthompson@thompsoncoe.com)

**COUNSEL FOR DEFENDANT  
GEOVERA SPECIALTY INSURANCE  
SERVICES**

**CERTIFICATE OF SERVICE**

This is to certify that on the 6th day of February, 2020, a true and correct copy of the foregoing was delivered to the following counsel of record in accordance with the Federal Rules of Civil Procedure:

Johnny Nguyen  
Johnny Nguyen & Associates  
2825 Wilcrest Drive, Suite 309  
Houston, TX 77042  
Fax: (281) 503-7503  
Email: [jnguyen@johnnynguyenlaw.com](mailto:jnguyen@johnnynguyenlaw.com)  
*Counsel for Plaintiffs*

/s/ Rhonda J. Thompson

Rhonda J. Thompson